

303 Rec'd PCT/PTO 02 NOV 1998

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PATENT  
690-110P



IN THE U.S. PATENT AND TRADEMARK OFFICE

#4

APPLICANT: Wolfgang M. FRANZ et al.  
INTERNATIONAL APPLN. NO.: PCT/DE96/02181 filed 11/14/1996  
SERIAL NO.: 09/068,751  
FILED: May 15, 1998  
FOR: GENE-THERAPEUTIC NUCLEIC ACID  
CONSTRUCT, PRODUCTION OF SAME AND  
USE OF SAME IN THE TREATMENT OF  
HEART DISORDERS

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR  
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

November 2, 1998

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

X Executed Declaration and Power of Attorney.

11/06/1998 PVOLPE 00000067 09068751  
01 FC:118

X Original      Photocopy

     The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification which was filed in the U.S. Patent and Trademark Office on                                 , including any amendments thereto (if applicable) filed on even date therewith.

Serial Number: 09/068,751

X The undersigned hereby declares that "Attorney Docket No. 690-110P" on page 1 of the attached inventors' Declaration corresponds to Application Serial No. 09/068,751 filed May 15, 1998 entitled "GENE-THERAPEUTIC NUCLEIC ACID CONSTRUCT, PRODUCTION OF SAME AND USE OF SAME IN THE TREATMENT OF HEART DISORDERS".

X English language specification, claims and Abstract with nine (9) sheets of drawings.

     Attached hereto is a Verified Statement Claiming Small Entity Status (     original      photocopy).

X Attached is a copy of Form PCT/DO/EO/905.

     Other \_\_\_\_\_

     No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements (Form PCT/DO/EO/905). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 CFR § 1.136 and 37 CFR § 1.17.

X Applicants hereby respectfully petition for four (4) months extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$ 1,510.00 is attached hereto.

Serial Number: 09/068,751

The Government Filing Surcharge in the amount of \$ 130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492, and the processing fee for furnishing the English Translation under 35 C.F.R. § 1.492(f) in the amount of \$ 130.00 was previously paid for concurrently with the filing of the application on May 15, 1998.

       Submitted concurrently herewith **under separate cover** for recording is an Assignment.

  X   A check in the amount of \$ 1,510.00 to cover the above-mentioned fees is enclosed.

       A Fee of \$                      to cover the increase in fees of the filing Surcharge is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

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Gerald M. Murphy, Jr.

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GMM/bsh  
Attachments

(Rev. 8/7/98)  
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**STI**

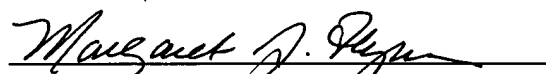
Schreiber Translations, Inc.

## ***CERTIFICATION***

*This is to certify that the attached English language document, identified as Gene Therapeutic Nucleic Acid Working Model and Its Production and Use for Treating Heart Disease, is a true and accurate translation of the corresponding German language document to the best of our knowledge and belief.*

*Executed this 26th day*

*of August, 1998*

  
Schreiber Translations, Inc.  
51 Monroe Street, Suite 101  
Rockville, Maryland 20850

*Schreiber Translations, Inc. uses all available measures to ensure the accuracy of each translation, but shall not be held liable for damages due to error or negligence in translation or transcription.*

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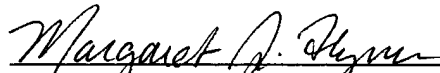
Schreiber Translations, Inc.

## ***CERTIFICATION***

*This is to certify that the attached English language document, identified as Medical Drawings, is a true and accurate translation of the corresponding German language document to the best of our knowledge and belief.*

*Executed this 2nd day*

*of October, 1998*

  
\_\_\_\_\_  
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